

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM L. ALEXANDER,)	Case No. 5:06CV2827
)	
Petitioner,)	JUDGE SARA LIOI
)	
v.)	
)	<u>ORDER</u>
DAVID BOBBY, WARDEN)	
)	
)	
Respondent.)	

Before the Court is petitioner William L. Alexander's motion styled "Objection to the Order by Judge Sara Lioi, on July 6, 2007" (Docket No. 20). In his motion, petitioner seeks leave to file objections to Magistrate Judge Patricia A. Henmann's Report and Recommendation. In support of his motion, petitioner claims that he did not receive a copy of the Magistrate's Report.

As the Court set forth in its Order, dated July 6, 2007, the Magistrate Judge originally filed her Report on May 14, 2007 recommending that petitioner's application for *habeas corpus* relief be denied because his claims were barred by the applicable statute of limitations (Docket No. 14). An Amended Report and Recommendation was filed on May 17, 2007 (Docket No. 16). The purpose of the Amended Report was to correct the name of the district court judge in the caption of the document.

A review of the docket reveals that petitioner did not receive service of the original Report filed May 14, 2007. The record also shows, however, that petitioner did receive a

copy of the Amended Report filed three days later on May 17, 2007. With the exception of the name of the judge in the caption, the Amended Report was identical to the original Report and contained the Magistrate Judge's reasons for recommending the denial of the petition.

The Court finds that petitioner was not prejudiced by the fact that he was never served with the original report. It is clear from the record that petitioner did receive a copy of the Amended Report, and petitioner does not suggest otherwise. The Amended Report explained petitioner's right to object and set forth the time limit for doing so. In fact, petitioner's time for filing his objections was recalculated from the date of the Amended Report. Without question, petitioner was on notice that he was required to respond to the Amended Report and was given a fair opportunity to do so. Consequently, petitioner's motion (Docket No. 20) is **DENIED.**

IT IS SO ORDERED.

Dated: July 23, 2007

s/ Sara Lioi
Hon. Sara Lioi
United States District Judge